

**AMENDED****ARIZONA STATE SENATE**  
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DATE: February 13, 2022

SUBJECT: Strike everything amendment to S.B. 1284, relating to lifetime probation; sexual offenses

**Purpose**

Prohibits a person who is placed on lifetime probation for a sexual offense from petitioning the court to terminate the probation before prescribed periods of time, with certain exceptions. Requires the court to check and to place on the record that the court is not aware of any pending criminal charges against a person on probation for a felony sexual offense before the court can modify or terminate the person's probation.

**Background**

If a person who has been convicted of an offense is eligible for probation, the court may suspend the imposition or execution of sentence and must, without delay, place the person on intensive probation supervision, supervised or unsupervised probation on such terms and conditions as the law requires and the court deems appropriate, including participation in any community punishment programs. The period of probation is determined as outlined, depending on the classification and circumstances of the offense (A.R.S. §§ [13-901](#) and [13-902](#)).

Unless terminated sooner, probation for a felony offense may continue for the following periods: 1) for a class 2 felony, seven years; 2) for a class 3 felony, five years; 3) for a class 4 felony, four years; and 4) for a class 5 or 6 felony, three years. After the conviction of a felony or an attempt to commit any offense involving the sexual exploitation of children or sexual offense, if the offender is eligible for probation, probation may continue for a term of not less than the terms as outlined up to and including life and that the court believes is appropriate for the ends of justice ([A.R.S. § 13-902](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

**Provisions**

1. Prohibits a person who is placed on lifetime probation for a sexual offense from petitioning the court for an order to terminate the probation before the following expiration of time:
  - a) for a class 2 or 3 felony conviction, 20 years after the date that the person is placed on probation; and
  - b) for a class 4, 5 or 6 felony conviction, 10 years after the date that the person was placed on probation.

2. Provides an exception to prescribed minimum probation periods for a probationer who is under 22 years old, who was convicted of an offense that occurred when the person was under 18 years old that required the probationer to register as a sex offender, and the probationer has requested the court to conduct a probation hearing at least once a year.
3. Requires the probation department, before recommending a modification or early termination of a person's probation sentence, to complete an investigation of arrest notifications and warrant checks to determine if the person has any current or pending criminal charges.
4. Prohibits the court from issuing an order that terminates or modifies a person's probation sentence if there is a current or pending criminal charge against the person.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Requires the probation department, before recommending a modification or early termination of a person's probation sentence who is on probation due to a sexual offense, to complete an investigation of arrest notifications and warrant checks to determine if the person has any current or pending criminal charges.
2. Prohibits the court from issuing an order that terminates or modifies a person's probation sentence, who is on probation due to a sexual offense, if there is a current or pending criminal charge against the person.

Senate Action

MAPS            2/15/23    DPA/SE    6-1-0